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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,019	08/22/2003	Peter Marx	5029-42DIV	1432

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EXAMINER

KRISHNAMURTHY, RAMESH

ART UNIT	PAPER NUMBER
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3753

DATE MAILED: 02/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/647,019	Applicant(s) MARX ET AL.	
	Examiner Ramesh Krishnamurthy	Art Unit 3753	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7 - 13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-10 and 12 is/are rejected.
- 7) ☒ Claim(s) 11 and 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/885,199.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>08/22/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

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This office action is responsive to communications filed 08/22/2003.

Claims 7 – 13 are pending.

The applicant is reminded to update the status of parent application(s) referred to on page 1 of the specification.

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 7 – 10 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by McMath (US 3,734,115).

McMath discloses a valve comprising:

A housing having a valve seat (36);

A closing part (38) movable against said valve seat;

A spring (58) arranged in said housing

for pre-stressing said closing part relative to said valve seat, said spring having smaller dimensions than said closing part;

and

latching means (40) arranged on said housing for gripping said closing part from behind, said latching means having a bearing region (near (54,56)), wherein said spring is arranged for pre-stressing said closing part against said bearing region.

Regarding claim 8, said latching means comprise hook-shaped elements (54, 56).

Regarding Claim 9, a side of said latching means facing said closing part comprises guide edges (46, 48) for said closing part.

Regarding claim 10, it is noted that latching means are an integral part of said housing.

Regarding claim 12, it is noted that the valve further comprises a plurality of latching means distributed around a circumference of said closing part.

It is noted that the limitation "for a fuel delivery unit" in claim 7 has not been given any patentable weight in this office action as it is reflective of intended use only.

3. Claims 11 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record neither shows nor teaches a combination for the claimed valve that comprises in combination with other recited elements, (a) latching means having ends pointing away from said housing comprising introducing slopes for said closing part or (b) a cover arranged between each adjacent pair of plural latching means at a distance therefrom.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Moran discloses a safety fuel tank for automobiles. Brady, Jr. discloses a float ball check valve. Sliger discloses spring biased vent valve. Shirose discloses a vent valve system associated with a fuel delivery unit. Harnish discloses a check valve disposed in a guide cage. Viksne et al. and Sherwood et al. disclose ball-

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check valves for fuel handling systems. Hoehmer discloses a combination air vent and overpressure valve. Takasaki discloses a vent valve. Whitley, II discloses a valve for use in the vent line of the fuel tank. Strohl et al. discloses a valve associated with fuel line from the tank to the engine. Schlegel et al. discloses a ventilation valve for a fuel tank.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramesh Krishnamurthy whose telephone number is (703) 305 - 5295. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Scherbel, can be reached on (703) 308 - 1272. The fax phone number for the organization where this application or proceeding is assigned is (703) 872 - 9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308 - 0861.



Ramesh Krishnamurthy
Examiner
Art Unit 3753